

## **ZONING BOARD OF APPEALS**

### **APRIL 15, 2013 MEETING MINUTES**

**PRESENT:** Chairperson Ron Nolland, Maurica Gilbert, Connie Fisher,  
Karl Weiss, Alternate, Scott DeMane, Alternate

**ABSENT:** Kathy Latinville, Michelle Labounty,

**ALSO PRESENT:** Joseph McMahon, Building Inspector  
Rick Andras, Verizon Wireless Radio Frequency Design Engineer  
Chris Howell, Verizon Wireless Project Manager Site Acquisition  
Dave Brennan, Young/Summer LLC  
Donald Blais  
Peter Whitbeck  
Scott Allen, AES Northeast, PLLC  
Aaron Ovios, Robert Sutherland, PC  
Nadeem Maken  
Residents of Lake Country Village  
Residents of Trafalgar Drive

Mr. Nolland called the meeting to order at 7:05 PM. The agenda has 8 items and will be heard in the exact order they are in. He advised this is a 5 person board, which consists of 5 regular members and 2 alternates. There were 3 regular and 2 alternate zoning board members available for voting tonight. The applicant will need 3 positive votes for any motion to carry.

Mr. Nolland advised he lives around the corner of Helen Street and there is a rule if a board member lives within 500' they have to excuse themselves, unless the applicant says that they can participate and vote. Mr. Blais then stated he will allow Mr. Nolland to vote on Appeal #1958.

Karl Weiss will not be voting on and will be excusing himself on Appeals #1960, 1961 and 1962, due to the fact he is employed with Robert M. Sutherland, PC, who is the Engineer for Lewis Heights LLC.

Mr. Nolland advised this is a public hearing and all have a chance to speak but asked that the audience not repeat the same comments. The Board also has testimony from the March 18, 2013 Zoning Board meeting regarding Verizon Wireless appeals (1956 and 1957). It turns out that Mr. DeMane is NOT within 500' of the Verizon Wireless property. Ms. Fisher was not here for last month's meeting but has familiarized herself with these applications. There will be 5 voting on this appeal. The Board will not be re-hashing the same stuff and admitting all testimony from last months meeting into these meeting minutes.

The below items were on tonight's agenda.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
1956	NEW YORK RSA 2 CELLULAR PARTNERSHIP D/B/A/ VERIZON WIRELESS 316 CORNELIA STREET	CLASS B VARIANCE AREA VARIANCE CELL TOWER, EXCEEDS HEIGHT ALLOWED
1957	NEW YORK RSA 2 CELLULAR PARTNERSHIP D/B/A/ VERIZON WIRELESS 316 CORNELIA STREET	SPECIAL USE PERMIT TO ERECT COMMUNICATIONS FACILITY TOWER
1958	DONALD M. BLAIS 3 HELEN STREET	CLASS B VARIANCE ADD ADDITIONAL STUDENT TO APARTMENT TO HAVE 5 STUDENTS IN ONE APARTMENT FOR A TOTAL OF 9 IN A TWO FAMILY
1959	PETER WHITBECK 1-3 BROAD STREET	CLASS B VARIANCE SUBDIVIDE ONE LOT INTO TWO CREATING 2 NON CONFORMING LOTS
1960	LEWIS HEIGHTS LLC LOT 43 NEW YORK ROAD	CLASS B VARIANCE AREA VARIANCE FOR LACK OF OPEN SPACE
1961	LEWIS HEIGHTS LLC LOT 43 NEW YORK ROAD SEPARATION	CLASS B VARIANCE NOT PROVIDING MINIMUM BETWEEN BUILDINGS IN PLANNED UNIT DEVELOPMENT
1962	LEWIS HEIGHTS LLC LOT 43 NEW YORK ROAD	SPECIAL USE PERMIT PLANNED UNIT DEVELOPMENT IN RC-2 DISTRICT
1963	NADEEM H. MAKEN 65 BRIDGE STREET	SPECIAL USE PERMIT TO OPERATE AN AUTOMOBILE SALES AND SERVICE FACILITY

The **first** and **second** items on the agenda were Appeal #1956, Verizon Wireless for a Class B Variance for a cell tower that exceeds height allowed and Appeal #1957, Verizon Wireless for a Special Use Permit (SUP) to erect communications facility tower.

[Meter 4:36]

David Brennan, Rick Andrus and Chris Howell were here to speak regarding these 2 appeals.

Mr. Nolland advised at last month's meeting, there were questions that needed to be answered by Mr. Brennan and Verizon Wireless regarding these 2 appeals. Mr. Nolland also asked Mr. Brennan to clarify Rosenberg.

Mr. Brennan explained the Rosenberg case is a Court of Appeals case that talks about what is the standard for variances for public utilities. Particularly Rosenberg applied to Telecom. Basically what that case is if there is a showing that they are required to provide safe and adequate service and that there are compelling reasons economic or otherwise for meeting the variance, the variance should be granted. In the Rosenberg case, that was a Use Variance, meaning that the particular use was not allowed in the Zoning District and in that case, were issued a use variance to allow a use that was not otherwise committed.

An area variance is varying a dimensional requirement for otherwise permitted use in a district. There is not one answer to that question. The best way to explain this is the original Court of Appeals case, which was Consolidated Edison, which dealt with a public utility nuclear power plant, that case was the genesis of the Rosenberg Variance standard for Telecom, was actually the genesis of the overall standard for public utilities. In that case, Consolidated Edison was applying for area and use variances. In reviewing this decision, the Court of Appeals acknowledge that and enunciated the standard about what's be proven by public utilities to get a variance. Mr. Brennan advised it is there position that it applies to both Area and Use Variances, not just use variances.

Mr. Nolland said last month several people asked questions about side effects from Radio Frequency (RF) exposure, aesthetics and researching other spots to place this tower.

Mr. Brennan advised this is a proposed 104' monopole cell tower to be located in the rear-northern most-western most portion of the Plattsburgh Plaza. It's on existing undeveloped or vacant parcel of land with no trees on it. The reason for this proposal is there is an existing gap in coverage both at their cellular frequencies. Because of capacity issues in this particular area, they are attempting to deploy PCS coverage. PCS because it operates a different frequency. The frequency doesn't cover quite as large of an area so there is both a coverage and capacity reason for this site as well as the location is basically governed by the fact that there are surrounding sites almost around the compass. There are 4 other sites they transmit from and this is placed centrally to those so it can transmit essentially 360 degrees to cover and fill that gap.

At last month's meeting, there were questions about radio frequency transmission from the site. Mr. Brennan submitted a report from a Licensed Professional Engineer (PE) who indicates that when this site is up and running, if running at full capacity and full strength, the transmission will be < 1% of what is allowed by the FCC.

Cellular towers don't transmit like an FM or AM radio station. They don't turn on to 50,000 watts and transmit 24 hours a day. Basically it turns on when there is communication from a hand set and then the power from the handset are gauged to eliminate errors in the transmission. [Further explanation by Mr. Brennan, Meter 10:31]

Another question from last month's meeting was additional co-locators on the tower. In the same report from the PE, it indicates that even with Verizon Wireless on this tower, there is adequate room to have 2 additional co-locators to locate on this tower and basically do away with the need for additional towers. Even if 2 additional carriers were to co-locate, they would still be at or below 1% of the FCC threshold.

Mr. Brennan continued stating they were asked to look at other locations that this tower might be located. If you pull into the Plaza, there are a number of electric power lines that by-sect East to West. He did communicate with the Municipal Lighting Department and they advised they cannot co-locate in the area that is energized, which is the top of the poles. These poles are estimated to be 60' tall so they would be substantially lower than what they are proposing and will not work from Verizon perspective and not a viable alternative.

Another question asked at last month's meeting would the applicant look north of the Northway to put this tower. Mr. Brennan advised those were so far North out of their search area Verizon would not get the coverage they are looking for. [Meter 13:29] This site would be eliminating 2/3rds of the useful nature of the tower.

Similarly they were asked to look at the Meadowbrook Nursing Home facility. Mr. Andrus looked at that. It was similarly north although not as far north as those facilities but also a terrain change even at the top of that building, which was estimated to be 40' toward the West. The applicant felt that was not a viable alternative either.

Mr. Nolland professed one thing clear. The Rosenberg court case was for Use and Area Variances. People need to understand about this tower process and these essential utility installations. The Board is relatively powerless about this. They are allowed to build them and get variances for them. [Meter 15:44] Case law dictates what the Board can do.

OPEN PUBLIC HEARING [Meter 16:17]

David Kerr, 9 Trafalgar Drive, pointed out he doesn't remember when he had a dropped call. He didn't know what the urgency was. His point was he would like to see CVPH and SUNY pursued further to the degree they should have been. They still seem like viable options instead of a new cell phone tower next to Trafalgar Drive.

He felt Trafalgar Drive and Brookfield Manor were prestige neighborhoods in the area and what he is talking about is property values. Also precedence. What keeps the neighborhood great and property values up is privacy. If you start setting precedence and letting this area be developed, what will be next. Those woods are vital to their neighborhood. He is very concerned about those 2 aspects. He also spoke about safety and perception. He felt his house would not be able to be sold if this tower was built near his home. One primary mission of this board was to protect the residents and the values of their properties. He reiterated he doesn't see the urgency of this right now.

Mr. Brennan explained they've submitted plots from a RF engineer showing where the cap in coverage is. There is not only a gap in coverage in areas within the search area it's also over time, more and more people and households don't have a land line. They just rely on cell phones. More and more people use them besides just phone calls. He cited internet, work, email, business, etc. Some of this is forward looking. As more and more people use the current coverage, the coverage that originates from outlying sites doesn't meet the specific location because it's being brought in from sights that are 2 and 3 miles away. As the number of users build, that coverage starts to retract and doesn't cover. Then there is a problem that the system does not work. Verizon does track the usage, tracks the amount of available from the spectrum from the joint towers in this area and then pro-actively starts looking for sites. They have an obligation to maintain the system and be proactive about that. [Meter 21:32]

Mr. Brennan also explained that CVPH sent them an email basically stating "stop bothering us. We've gone through this 2 times with you and we're not interested." He cannot force people to help them and say why they are or are not interested. This was not a new request to CVPH.

Mr. Brennan said regarding SUNY Plattsburgh, they are unwilling, for what-ever reason to let them have a backup generator. Verizon needs to keep the network up and running. If there is a power outage, Verizon has an obligation under their licenses to make the system robust and to operate. Particularly when the power goes out and other lines start going down, people rely on their cell phones for emergency service. If they do not have a generator, the batteries die and the system goes off line rather quickly.

Regarding the property values and the precedence, when you live near something that has a significant investment, he can understand those arguments but he drew a distinction that they are in a zone that is zoned appropriately for this facility. It is an allowed use. Mr. Brennan added they are not going into the wood line. They are staying in an area that is already cleared. As stated previously, they have not seen property values decrease. This particular location has 300' of thick woods between this tower and the homes. [Meter 23:56] He couldn't accept that there is going to be impact on property values from something that you can't see.

Mr. Brennan pointed out there is an existing tower right across the Northway at the end of Sesame Street. It is actually visible from a number of residences, both front and back yards in this neighborhood, that is without screening, plain as can be. It has some microwave dishes. He is not relying on that to say that this should be

approved but he is saying if there is an impact on the values of properties – those properties are valued to what they are. He doesn't feel this application would detract from it any more than its existing location near the Northway or any of those other factors that pre-exist his application. He felt strongly that they can't see through 300' of woods.

Mr. Brennan added RF Safety was addressed in the report from Millennium Engineering, P.C., 508 Ferncastle Drive, Downingtown, Pennsylvania 19335, dated February 22, 2013.

Mr. Nolland asked why they are considered an essential utility under Rosenberg. Mr. Brennan advised under Rosenberg, the Court of Appeals identified and acknowledged that communications, whether its land line telephone or cellular telephones, are an essential public utility that all of the communities rely on. [Mr. Brennan explained further, Meter 26:00]

Matt Nephew, 27 Trafalgar Drive asked if the applicant knew the length they are from CVPH helicopter landing pad – the distance from the cell tower to the hospital landing pad. Mr. Brennan said no.

Mr. Nephew explained FAA requires a hospital helicopter to have a flight pattern, both arrival and departure. He used the room as the site around CVPH landing pad. He stated the helicopter comes down through those woods and those woods narrow, and then moves through the woods through Mason Drive and Filion Way and lands. His question is they are pushing that emergency helicopter either into Cornelia Street or right over the top of Trafalgar Drive. The FAA requires distances and heights to be regulated 2000' and 4000' out. He asked Mr. Weiss and DeMane if they have seen helicopters over their homes. Mr. DeMane said yes. Mr. Nephew continued stating it's an emergency helicopter. It's not a day trip. They are bringing this copter down fast and usually hard. 90 percent of the time they are using this exact route to land and are only 20-40' over the top of those trees, with a pattern straight in.

Mr. Nolland said that is a good point and asked if the tower is FAA compliant. Mr. Brennan said yes it would be FAA compliant. He was not familiar with what Mr. Nephew was saying and never heard there was a set flight path for helicopters.

Mr. DeMane added the helicopters do come right down that tree line and loop around his house. Mr. Nephew mentioned the reflective balls on the electric lines. He questioned putting a 100' tower and 60' of trees and these helicopter pilots are going to come down. He has seen them land in the Ames parking lot due to fog and being confused. He feels this is an unnecessary risk. [Meter 30:58]

Brent Germain, 25 Trafalgar Drive submitted a petition against this appeal (Attachment A) and reminded the Board what is going to happen is the tower will be installed and later on Aldi's will come in, clear the woods and then say "the cell tower was there and we had nothing to do with that." He asked the Board to try and think ahead so the residents don't get boxed into a corner.

Mr. McSweeney, 31 Trafalgar Drive stated they are concerned about the health issues. He questioned the Engineer's qualifications. He believes this is a safety issue because of the fence being installed around the tower. He asked Mr. Brennan if he deemed this tower safe to be around his own home. They do need progress but not at this location. He questioned why SUNY and CVPH has the luxury of saying no. They also have a voice and feels this is not set in stone.

CLOSED PUBLIC HEARING [Meter 34:17]

Mr. DeMane asked about the co-locations on the pole. Mr. Brennan stated they would go below. Verizon is at the top. Mr. DeMane asked why the tower could not be shortened. If someone else can work lower, why can't Verizon.

Mr. Andrus explained the co-locator will operate at 5 times the power that they will. The whole key is to maintain radio line-site to hit the target areas. Could they drop the height 10' – absolutely without any issue at all? But if they get down to the tree line, then it won't work for Verizon and it would limit any other co-locator going on the tower beneath them. [Meter 35:25]

[Meter 36:00 – 39:22 Further discussion about requirements for transmission, the infinitesimal power of the handsets and cell phones, less power, smaller tower, technology not allowing it, Halsey Court tower, usage growing, system handling its limit of calls, usage of area, capacity going through the roof, 4G, PCS frequencies.]

Mr. DeMane asked when they would be back looking for another tower site. Mr. Andrus advised they still need to solve the Plattsburgh area so they need something at the South end of the Plattsburgh Campus.

Mr. DeMane asked if SUNY was a big driver of this need. Mr. Andrus said absolutely but this tower will alleviate the need for CVPH.

[Meter 41:00 Multiple antennas were discussed, dropping height of the tower, concerns of transmitting over the trees, getting into North end of SUNY Campus, looking at a comprehensive plan to do both SUNY and CVPH.] Mr. Andrus explained South of Route 3 is a dense residential neighborhood then you hit the river. This will take up everything to the East of that. By definition, the site is going to have to be on the South side of the river.

Mr. DeMane stated the biggest problem everyone has with this is the height.

Mr. Brennan explained about the code being silent on towers. Mr. Brennan advised they could reduce it a bit but lose the ability to put more carriers on it. Further explanation by Mr. Brennan. [Meter 44:40]

Mr. Andrus thought lowering this pole 10' would not be an issue at all. It wouldn't make sense for them to go below 80' because they need to stay at least 15-20' above the trees. Further discussion by Mr. Nolland and Mr. Brennan on the proposed height of the pole, foundation and lightening rod.

Mr. Nolland asked if the applicant would consider 86' pole with a 4' lightening rod. Mr. Andrus agreed to this.

[Meter 49:30 Further discussion regarding lowering height of pole, micro-wave dishes located on pole, extendable expandable pole, rent revenue with co-locators, returning to zoning board if pole needs to be higher in future.]

Mr. Weiss asked if they have looked at other towers that were disguised. Mr. Brennan said yes and their experience has been mixed and some stick out like a sore thumb. [Further explanation, Meter 58:32]

Mr. Weiss said with the 300' of trees behind the tower between the neighborhoods, if any development were to take place there, there are provisions in the code for buffers between commercial and residential areas. This would be a Planning Board issue.

Mr. Nolland asked if there was an issue with Plattsburgh Plaza and not cutting those trees that would create a natural buffer between this pole and the surrounding neighborhoods. Mr. Brennan could not commit for the Plaza. Mr. Brennan felt one thing apparent to him if they really had a near or slightly long term outlook to do something, they would not have leased this land to Verizon Wireless. They basically have their lease and access rights set at the back of the Plaza.

Mr. Nolland clarified there were 2 Appeals to be voted on. This will be taking into account the case law regarding central utilities but it seems like the applicant has agreed to modify the application from 108' down to 90', which would be a fairly substantial change in height. He is of the opinion that the case law applies. They are an essential utility. A Special Use Permit is a matter of right in that district. There has been spirit of compromise. It is their job to protect property values but people need to understand if neighborhoods change but they are bound by law. The applicant is bound by many many restrictions regarding output, RF, etc. He felt this was a substantial compromise.

#### **MOTIONS APPEAL #1956:**

**By Ms. Gilbert, seconded by Ms. Fisher**

**TO GRANT APPEAL #1956 AS MODIFIED BY THE BOARD TO A MAXIMUM HEIGHT OF 90' WHICH INCLUDES THE LIGHTENING ROD, WHICH IS A 30' VARIANCE OVER WHAT IS ALLOWED IN THE DISTRICT WITH A FULL FOUNDATION AND WITH TOWER TO BE BUILT IN AN EXPANDABLE FASHION UNDERSTANDING THEY WOULD NEED TO COME BACK TO GET FURTHER VARIANCES TO BE ABOVE THAT 90' HEIGHT**



**AMENDED MOTION:**

**60' ABOVE THE 30' THAT'S ALLOWED IN THAT DISTRICT**

**ALL IN FAVOR:                   4**  
**(Ms. Fisher, Mr. Nolland, Ms. Gilbert, Mr. Weiss)**

**OPPOSED:**  
**(Mr. DeMane)**

Ms. Gilbert found that this is clearly an essential public utility and needs to be built. Further explanation by Ms. Gilbert. [Meter 1:03] A compromise is good

Ms. Fisher agreed with Ms. Gilbert.

Mr. DeMane said he agreed this was an excellent compromise but he just doesn't think they came in with a comprehensive plan of what a total build out would cover the City.

Mr. Weiss was glad they discussed to lower it and for the compromised. That minimized things and in the right zone. [Further explanation 1:04]

Mr. Nolland felt they demonstrated very clearly that because of case law they were entitled to an area variance but agreed to compromise. [Further explanation, Meter 1:06:04]

## APPEAL #157 SPECIAL USE PERMIT – VERIZON WIRELESS:

Mr. Nolland explained the table in the back of the zoning book explaining the allowed uses in each district. Allowed uses, accessory uses and uses allowed by Special Permit (SUP). Those are 3 different type of uses. He explained the difference uses. This use is allowed in this district by Special Use Permit, unless they can prove that it's environmentally really horrible and totally changes the character of the neighborhood. It's basically a matter of right.

This will allow Verizon to use the property to build the tower that they have now granted the variance for.

Mr. Nolland discussed the Long Form SEQR is submitted with this application.  
[Meter 1:08 – 1:14]

On page 5, B 1 "i" will be modified to be 90';

Mr. Brennan mentioned there would be 2 air conditioning units that are essential the same size as standard household air conditioning units. One is for backup in case one dies. They will cool the 330 square foot building. There will be a backup generator and tested once a week.

## PUBLIC HEARING PORTION:

Jacqueline Germain, 25 Trafalgar Drive inquired if there could be an implementation of a buffer zone beyond what might be typical, given the extreme height of this in comparison to other similar buildings. Mr. Nolland stated they cannot control what Aldi's does with their property. That is outside the Zoning Boards jurisdiction. They cannot control what Plattsburgh Plaza does. What he does know is there should be some kind of site plan review if this land is changed. Ms. Gilbert asked if the code addressed an automatic buffer between R-1 and B-1 or B-2.

Mr. McSweeney mentioned there is an entire WIFI network at his son's college at Geneva, NY. He asked if SUNY would consider such and put the burden on them.

CLOSED PUBLIC HEARING PORTION [METER 1:20]

## MOTION ON LONG FORM SEQR APPEAL #1957:

**By Ms. Gilbert, seconded by Mr. Weiss**

**THAT THE BOARD FINDS A NEGATIVE ADVERSE ENVIRONMENTAL IMPACT IN  
THIS WHOLE ENVIRONMENTAL ASSESSMENT FORM AS MODIFIED BY THE  
BOARD TO SHOW THE REDUCED HEIGHT**

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**

**MOTION ON SUP:**

**By Mr. Weiss, seconded by Mr. DeMane**

**WITH REGARDS TO APPEAL #1957, THAT THE SPECIAL USE PERMIT BE GRANTED TO ERECT A COMMUNICATIONS FACILITY TOWER IN A B-2 ZONE**

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**

Mr. Brennan asked if the Board confirms that the SEQR analysis applies to the variance issued as well. The Board said yes.

Mr. Nolland said they only require a Short Form SEQR which they use only as a matter of reference for area variances. However, if he liked, they can make a motion that the Long Form SEQR will pertain to the area variance. Mr. Brennan said yes.

**MOTION:**

**By Ms. Gilbert, seconded by Mr. Weiss**

**TO MAKE IT CLEAR THAT THE SEQR MOTION INCORPORATES THE CLASS B VARIANCE AS GRANTED IN APPEAL #1956 AS WELL**

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**

The secretary reminded the audience that the April Planning Board meeting would be held on April 29<sup>th</sup>, not April 22, 2013 at 7:00 P.M.

The **third** item on the agenda was Appeal #1958, Donald Blais for a Class B Variance to add additional student to apartment to have 5 students in one apartment for a total of 9 in a two family.

[Meter 1:35:34]

Mr. Nolland explained the Class B variance application and further advised Mr. Blais that the basic absolute tenant of their ordinance that there are not more than 4 non-blood related adults in a unit. That almost never is allowed because it's one of the ways they control density. He wanted Mr. Blais to understand the magnitude of this request.

The board is very careful about that neighborhood and density. They control density by having no more than 4 non-blood related young adults. They do it by parking and by lot coverage. This is an RH district however he has a grandfathered in multi-family 2 apartment building. That building has had 8 students in it for many many years and what he is looking to do is increase to 9 and this is basically is because he can sell it differently if he has 9 students in this building. Mr. Blais agreed.

Mr. Blais passed out pictures of the home. He stated one student added wouldn't affect health and welfare of the community. He has an offer to purchase the house if 9 students are allowed. He thought this was not a typical 2-family unit. The rooms in the house are really big. They have gigantic windows. The first floor has 6 bedrooms, with a small kitchen. There are 2 rooms vacant. He presented a picture of where he wanted the 9<sup>th</sup> bedroom. The rooms are so large that the students are not using the living room because they want to cut down on the cost of heating.

Due to zoning regulations, 2 rooms are being left vacant. On the 2<sup>nd</sup> floor, there are 5 bedrooms, counting living room and that living room is not being used. There is a 6' wide hallway down entire length. [Meter 1:32:52]

Mr. Nolland stated relative to zoning, it wouldn't matter if he had 20 rooms and reiterated the zoning code rule. He explained if they allowed this, other requests would come in and that would increase the density of the neighborhood.

Mr. Nolland advised part of their problem is they cannot set a precedence on this request. If other applicants would come in and ask the same question – you gave it to him so why not me. They cannot give a variance just because you have an extra room. That's the very basic rule they have in the City, which controls density. The applicant was asked to come at the zoning board with something other than he has extra rooms he is not using because there is a lot of home owners with rooms they are not using that they will not grant this for. This is a basic basic rule they never break.

[Meter 1:35:18 – Further explanation by Mr. Nolland about today's rates, house value, students allowed, explanation per zoning board perspective, not enough parking for 8 students].

Mr. Blais advise he has 2 parking spaces. Mr. Nolland advised for 4 students and 1 apartment, he would need 3 spaces. For 5 students, he would need 4 spaces, so that's 9 spaces and the applicant only has 2 spaces. Aside from anything else, he doesn't even have the required parking. Mr. Nolland reiterated on basic rules. The Board certainly doesn't allow people to put more adults in than parking required. And they don't ever allow anyone to have more than 4 adults.

Ms. Blais said there has never been any parking problems at this site. Ms. Gilbert advised the variance runs forever with the property. Just because the applicant has not had parking problems, or maybe the students are parking somewhere else - but the applicant doesn't have what they need to get a variance to put more bodies in this building, especially without the parking. If they are trying to sell the property, you will have to market it for less. [Meter 1:38]

Mr. Blais spoke about money's spent renovating the attic. Ms. Gilbert advised he created that situation. Mr. Blais said there were certainly misunderstandings about what they were talking about when that was approved. When he went to see the people in zoning, he advised he was not buying the house unless he could put an apartment in the attic. They said you can do what you want but call it something else. He's gone around and around about this and was very much under the impression that he was creating habitable space. What he was being told now is that it's habitable space only for him, which he had never heard of that. He is now being told he cannot rent that room/attic for any reason, office, living space, nothing. He spoke more about 4 unrelated adults and stated the zoning laws are grossly restricting the use of that building and probably more than any other building in town. He further spoke about what students are entitled to regarding room space. He felt this rule, in this particular situation, is not a reasonable use of the board's police powers.

Mr. Nolland advised he lives right in that neighborhood and sees the effect of this. Four students can become 8. The impact with the bigger houses is almost doubled. This rule is not based on size. [Meter 1:42] When it comes to density and population are based on dwelling units for a reason. The RH district really supposed to be single family homes. That's what the designation of RH is. Same as R-1. Mr. Nolland explained further about the RH district rules.

[Meter 1:44 - Further discussion with Mr. Nolland and Mr. Blais about past use of the home, 5 students living in the home when he bought it, illegal use of the zoning code with too many students, group home zoning, how he shouldn't have put time and money in this building, value of the home, how the board is not here about investment.]

Mr. Nolland then stated is it not within their power to grant him an extra student without the required parking that he doesn't have so he can sell it to somebody that wants to buy it with 9 students for \$225,000.00. He is already way deficient on parking. It's legally an 8 student building. If they were to ever grant this, every landlord would be here requesting the same variance. He reiterated they cannot set that precedence. [Meter 1:49]

PUBLIC COMMENT:

Ms. Klepper, 17 Couch Street, stated she lives at 17 Couch and she rents to students, families, all sorts of people. They too would like nothing more than maximum return on every investment they have but by the same token they have lived in their house at 17 Couch for 23 years. She has seen their neighborhood degraded because students bring in more students. Without parking, they park on the lawn and where they can. It gets escalated. She appreciated the applicant investing in the property and how students are getting more discriminative about where they live but don't ask the board to grant him another room because he spent money because he was hoping for another apartment.

CLOSED PUBLIC HEARING [Meter 1:51:35]

**MOTION:**

**By Ms. Gilbert, seconded by Mr. DeMane**

**TO DENY APPEAL 1958 TO ADD AN ADDITIONAL STUDENT TO ONE OF THE  
APARTMENTS AT 3 HELEN STREET**

**ALL IN FAVOR:            5**

**OPPOSED:            0**

**MOTION PASSED TO DENY ADDITIONAL STUDENT**

A 5 minute break was observed.

The **fourth** item on the agenda was Appeal #1959, Peter Whitbeck for a Class B Variance at 1-3 Broad Street to subdivide one lot into 2 creating 2 non-conforming lots.

[Meter 1:55]

For the purpose of this appeal, the plan was titled, "Sketch Plan Showing Proposed Subdivision of Lands of Peter Whitbeck, South side of Broad Street, West Side of Durkee Street, City of Plattsburgh, Clinton County New York," prepared by AES Northeast, PLLC, 10-12 City Hall Place, Plattsburgh, NY 12901, Job No. 43059 dated 3/22/2013.

Mr. Nolland said this is not exactly previous lots by about 10' because Mr. Rabideau did this before Mr. Whitbeck owned this. There are no variances but if they were to re-create the 2 existing lots that were there before, the property line would run through one of the buildings.

Mr. Nolland explained the former owner, Clyde Rabideau, bought both lots, merged them, built the commercial building. Mr. Whitbeck purchased this property merged. He now wants to subdivide this property into 2 lots that are approximately the same size as the pre-existing lots but he needs to change it because the property line goes through the commercial building.

Mr. Nolland asked if this drawing was the best he could come up with the least non-compliance. Mr. Allen said yes or otherwise, he would be dealing with an encroachment problem. The logical place to draw the lot line is between the 2 buildings. With 0 lot lines and side-yard compliance.

There is no record that Mr. Rabideau got a variance.

Lot 1 is deficient 383 square feet because it's a 5,000 sq. foot lot.

Mr. Allen said these deficiencies were a preexisting condition because of the lot depth. They cannot go further back. It's owned by another owner. The lot width they really can't do much with.

The Area or Dimensional Variances answers (page 2 of AES Letter) were read into the record. [Meter 1:58]

Ms. Gilbert asked for clarification regarding the lot lines. Mr. Allen advised the buildings touch each other but no interconnections. It's very difficult to market this way.

Mr. Weiss asked if his goal was to sell one or both lots. Mr. Whitbeck said yes, he's tried to sell the package for 4 years and been unsuccessful. [Further explanation by Mr. Whitbeck, Meter 2:00]

Mr. Nolland opened up the public comment portion of the meeting. Since there were no public comments regarding this appeal, he closed the comment portion for this Appeal.

Mr. Allen advised this will have to go to the City Planning Board for approval but they have been to the County Planning Board under 239M to proximity to County owned property nearby. The County Planning Board's motion was this was a local issue.

**MOTION:**

**By Ms. Gilbert, seconded by Mr. Weiss**

**REGARDING APPEAL 1959, TO GRANT THE REQUEST TO SUBDIVIDE THIS ONE LOT BACK INTO 2 NON-CONFORMING LOTS, AS PER THE APPLICATION, RECOGNIZING THAT AT ONE POINT 20 YEARS AGO THIS WAS ACTUALLY 2 LOTS WITH SLIGHTLY DIFFERENT LOT LINES BUT RECOGNIZING THAT THE BUILDINGS ARE ALLOWED TO HAVE 0 LOT LINES, AS PER THE PLANS SUBMITTED**

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**



The **fifth** item on the agenda was Appeal #1960, Lewis Heights for a Class B Variance for Lack of Open Space.

The **sixth** item on the agenda was Appeal #1961, Lewis Heights for a Class B Variance for not providing minimum separation between buildings in Planned Unit Development.

The **seventh** item on the agenda was Appeal #1962, Lewis Heights for a Special Use Permit for Planned Unit Development in RC-2 District.

[Meter 2:05:34]

Mr. Nolland reminded the audience that there would be only 4 voting members. Mr. Weiss then removed himself from hearing these appeals.

Mr. Nolland advised that a Planned Unit Development (PUD) is a very clear type of property in itself. This request encompasses 5 acres of land. It allows multi principle structures on a lot. The Special Use Permit is a matter of right. This will still go to the Planning Board regarding site issues. The Class B Variances are area variances, not use variances on whether or not you are allowed to build multi family. It's the Boards understanding that the applicant has provided 45% lot coverage. Mr. Ovios said yes. They originally thought there was a variance on open space because the old chart said 50%. But a new chart was enacted in 2005. So the applicant is allowed 45%. Mr. McMahon added only if this is a low rise.

Mr. Ovios started this discussing stating he is from the office of Robert M. Sutherland, PC, Plattsburgh and represents the developer who is looking to develop the 5 acre parcel, south of the old base hospital. He assumed most of the audience were residents from Lake Country Village.

He submitted these applications to the zoning board about a month ago. At that time, there was confusion over the zoning of this lot. The zoning maps defined this as R-2. The GIS mapping says it's B-1. It's actually zoned RC-2. When they designed it for RC-2 standards, they found out that residential uses in RC-2 zone go back to the R-2 requirements.

The drawings submitted before you tonight and what the board has utilizes 2 main buildings, adequate parking, garages for a multi-family development. This plan as presented needed 50% green space. We actually need 45% and that trigged the open space variance. The Planning Board reviewed this for sketch plan and received input from neighbors as to what they thought of the plan and concerns. Some concerns of the PB were the buildings were too long. Even though they would be built over phases, they thought this was too large for that neighborhood. The property to south is zoned R-2. The property to the North is zoned B-1.

Looking at the concerns that the Planning Board had with the layout, as they thought the building was 3 stories and too big for the lot and too much for what he considered a transition lot – the lot that lies between the business use and residential use.

So Mr. Ovios took their comments under advisement and what they did was modified their plan. It will now have 2 main buildings. They have been lowered to be 2-1/2 stories, be 2 stories, an upper roof to be a low-rise definition. They also created a larger-hinge point separating them and only having 1 story breezeway connecting the 2 buildings. He referenced the zoning ordinance. They put a little more character in the building.

Mr. Ovios continued saying as they develop the plan further, they will created 3-D renderings because of the planning process and work with the planning board to further define the overall aesthetics of the building.

Regarding the site plan issue - because they went to the 2-1/2 story, thinking that the 3<sup>rd</sup> level is within the roof line, they are looking at 8 units on the first and 2<sup>nd</sup> floor, and 6 on the 3<sup>rd</sup> story, to bring the overall number of units to 88, from 96 that was originally showed to the PB last month.

This would fully comply with the required number of parking spaces, it would comply with the density requirement for this zone. It would exceed 50% green space, instead of 45%. He felt they have modified the architecture really separating this and trying to create a multi-family development. They have purposely pushed everything to the north end of the lot keeping at least 75 feet from either structure for property line to maximize the separation, pushing it all up and keeping the green space separate from the architecture. The issues and what they are here tonight before the zoning board for is order to do this development, it will required a Planned Unit Development (PUD). A PUD means that we have more than 5 acres of land but looking to do something that would allow more than 24 units on a lot. By the current zoning ordinance, you are only allowed to put 24 dwelling units on a parcel without creating a PUD. This is a very large piece of land. He asking the Zoning Board to authorize to move forward with the PUD.

Mr. Ovios described what the Planning Board would be looking at (arch., parking, traffic flow, sidewalks etc.). [Meter 2:15] Because they have more than enough green space, they don't need the Class B Variance for green space, because they are low rise and greater than 45%. He stated they are withdrawing Appeal #1960 application.

Mr. Ovios then spoke about the separation between principle buildings. Within a PUD, the ordinance spells out that each structure has to be separated by a minimum distance. The equation that determines that distance is:

*The length of the first building, plus the length of the 2<sup>nd</sup> building plus 2 times the height of the first building, plus 2 times the height of the second building, divided 6.*

The unique thing is how to apply it to a non-square building that's perpendicular to the road. He is presenting to the Board tonight an interpretation in how to utilize that equation for structures that are non-square or uniform align with the road and then depending how they interpret that – seek a variance.

Mr. Ovios continued stating the 2 structures, when complete, will be about 103' apart. It's 3 times the height of the building apart from each other. In an R-2 zone, for residential - he could put a property line between the 2 buildings, develop it as 2 separate lots independent of each other and the separation between the buildings would only be 30 feet. It would comply with the ordinance and not need a variance. The only item needed would be authorization to start the PUD process.

Mr. Ovios spoke about building lengths. [Meter 2:17:48 – 2:24]. The first plan showed the buildings were a little bit longer. This plan is obviously straighter. He spoke about longest points, perpendicular lines, equations, separation between buildings, lengths, interpretation and how to apply that, moving utility line, site plan review, how a 5 acre parcel could be subdivided into 4 lots with 4 separate buildings, 24 units apiece, 30' away from each other and not need the PUD or any variances or interpretations. He further stated his new configuration of buildings will have the overall property under one control, meaning one person is responsible for the overall development and gives them more control onto what happens in the future in that community. He spoke further about what's allowed in an RC-2 zone.

Mr. Ovios added they think this is a nice transition from that residential as you move into the commercial area. This type of development creates that buffering between the 2 zones.

Tonight the SUP is whether the Board likes the idea of the single development 2 buildings. They will be tweaking the architecture and taking comments from the PB and audience. Then the interpretation of the separation between buildings and whether the Board feels 100' is sufficient or how you interpret that when the buildings are not perfectly square and perpendicular to each other.

PUBLIC COMMENT PERIOD: [Meter 2:25]

Sharon Bickford, 40 Maryland Road asked if the 5 acres were all for the apartments. Mr. Ovios explained the whole parcel is 5 acres and 100% residential use. There are no commercial proposed on it. The property to the North is zoned B-1 and someone could build a commercial development. This is not low income. There is no public funding. It's 100% private development.

Donald Miller, 22 Maryland Road read a letter into the record. (Attachment B)

Jerry Stone, 34 Maryland Road, lives across the road and he believes there is wetlands there or an open wet ditch. He asked where the water will go and how will this affect them when water is diverted and filled in. He also asked if there was an Environmental Impact Study done on to what's on this land, if the board has walked on this land to see what's there and how it will affect the adjacent property owners. Before anyone builds he asked where the water was coming from.

Mr. Nolland reminded the audience they were here to address the SUP as to whether or not they can have a PUD. They do not govern Storm Water Management. Something will be done with this land. It will be either 4 lots with 24 apartments, or 2 lots with multi apartments. Those questions are Planning Board questions.

Mr. Ovios advised the audience he will be heard at the next PB meeting for another sketch plan review. Issues of wetland, traffic studies, landscaping, drainage, storm water, sewer and water consumption will be worked through the design phase with the PB. Tonight's appeal is to whether to allow the applicant to consider more than 24 units on this 5 acre parcel. [Further explanation by Mr. Ovios, Meter 2:32]

Patricia Stone, 34 Maryland Road spoke about the environmental assessment and asked when the PB would hear this. The Secretary advised she would send them a PB agenda. Ms. Stone also asked about bedroom units. Mr. Ovios advised the plan now would have 44 3-bedrooms, 12 -2 bedrooms and 32 1 bedrooms. Ms. Stone asked if there is a need for this. Mr. Ovios said this is not intended to be college housing.

Sally Connolly, 11 Massachusetts asked where the garages were on this plan. Mr. Ovios said originally, under the RC-2 definition, although the green space requirement went down from R-2, the building coverage requirement went down also. Under RC-2 definition, they were allowed 25% building coverage, but under R-2 they were only allowed 20. In addition, members of the PB took opposition to the garage concept. They were looking to utilize those as designated parking spaces for your unit. Some board members did not like that idea because it wasn't a 1-1 ratio for garages so they felt it would be hard to manage. The PB voiced their opinion that they did not like the garage idea. So the garages have gone away.

Lou McIntyre, 14 Massachusetts asked what income level they were looking at with these apartments. Mr. Ovios said they are not looking at low income. There is no public funding. She referenced the 2-1/2 stories and the lighting will brighten up their development. Mr. Ovios explained under the PB process they will be doing a full photometric study that will discuss site lighting and all other aspects of the site design. Tonight is step 1 of many to come.

Bob Montefusco, 143 Maryland Road asked about the approval process and could they come to the PB meeting. Mr. Ovios said yes and voice their opinion. Mr. Nolland said they are looking at the Planned Unit Development. He explained about Planned Unit Development process, PB process, public comment period, give and take process. [Meter 2:38 – 2:41:25] Mr. Montefusco asked how much rents would be. Mr. Ovios answered amounts varied between \$800 – 1200 per month.

Judy Mannix, 3 Maine Road questioned whether these will be able to be purchased or just rental units. Mr. Ovios said rentals. Upkeep will be by the owner of the property. She questioned who the developer was. Mr. Ovios said Lewis Heights LLC. Ms. Mannix asked who this was. Mr. Ovios said his contact was through their counsel, which is Gary Favro. Ms. Mannix said he was their lawyer also.

Susan Moody, 8 Massachusetts asked about animals and children. Mr. Ovios said he would pass that question on to owner.

John Burdo, 18 Maryland Road asked if there was still a 66' ROW along fence line. Mr. Ovios explained there is a sanitary and storm sewer line running through this parcel to US Avenue. There is no ROW but developable land on both sides. Residents questioned property lines. Mr. Burdo said in past plans there was a required setback there. Mr. Ovios said this is some of the confusion back when they started this project, it was zoned R-2 in book. On line it was B-1. Mr. McMahon jumped in and advised initially it was zoned B-2. Local Law 1 of 2006, it was re-zoned RC-2. He wasn't sure what buffer zone they were referring to. Mr. Burdo was told in the past by their attorney that would not encroach within 60' of their fencing.

Kristy Dantes, Engineering Department, PARC stated when they subdivided the hospital parcels and (inaudible) parcels, the RC-2 was there. They agreed to the 66' buffer should there be a commercial use of this RC-2 in those parcels. This is residential and that buffer doesn't exist because its residential against residential. There is no difference in use. [Meter 2:46:42] The answer to that question, in this case, would be no because it's residential up against residential. Mr. Ovios added the plan is about 75'.

Ms. Dantes added if they do an office building – commercial or business that probably would come into play. But if it's residential, it shouldn't come into play because it's the same use. That's why they agreed to it when we subdivided the land. Mr. McMahon said that language is from the PB. Ms. Dantes agree.

Ms. Klepper, 17 Couch Street spoke about advantages of a PUD, maximizing their return, proposing not having completely multi-family, having some single family, 2 story, best interest of community for fewer units, adjacent to Community College, students will rent this property. [Meter 2:49:39] Mr. Ovios stated he understands and will work through this and referenced a reduction of units from 96 – 88.

Pat Stone asked about the SUP, PUD process and whether or not the ZB has the right on approving number of units. Mr. Nolland explained they cannot advise the developer how many units to have.

Ms. Gilbert added a PUD can also have mixed uses.

Mr. Nolland spoke about developers willing to develop the community, SUP process, PUD process, allowed use.

Susan Moody asked about the process and what would be the grounds to say no. Mr. Nolland said there are no grounds to say no to the SUP. They could say no to truck stops or something hugely detrimental to the neighborhood. Or if the type of use is so detrimental to the neighborhood and such an impact that it fell outside of the criteria. Mr. Nolland felt this is a reasonable use for that land. What they can say yes or no to is the area variance. He referenced what the Planning Board can approve. [Meter 2:44:44]

CLOSED PUBLIC HEARING PORTION [Meter 2:58]

Mr. DeMane asked for a current copy of the proposed plan. Mr. Ovios said the Zoning board did **not** have the correct plan he was speaking about tonight.

[Discussion about building length, width, truss length, gable end widths, angles of buildings, interpretation of exact variance for separation of buildings, short form SEQR vs. long form SEQR].

The Long Form SEQR was discussed and read into the record. [Meter 3:05:50]

- This is an unlisted action;
- Change on Page 2, from 50,715 sq. ft. to 42,713 sq. ft.;
- No accessory garages;
- Page 5, change B.1.f. from 173 to 160;
- Page 5, change B.1.g. from 96 to 88;
- Page 5, change B.1.h. from 24 to 22 and 96 to 88;
- Page 5, change B.1.i. from 43 to 35 height, 62 to 70 width, 378 to 310 length;
- Page 6, change 9. from 2 to 4;
- Page 9, change 3. from 34,450 sq. ft. to 43,560 sq. ft.;
- Page 9, change 4. from 50,725.62 sq. ft. to N/A;
- Page 9, change 5. from 54,450 sq. ft. to 43,560 sq. ft.

**MOTION ON SEQR:**

**By Mr. DeMane, seconded by Ms. Fisher**

**THAT THERE IS NO ADVERSE ENVIRONMENTAL IMPACT AND A NEGATIVE  
DECLARATION BE PREPARED**

**ALL IN FAVOR: 4**

**OPPOSED: 0**

**MOTION PASSED**

Mr. Ovios added the County PB reviewed this and deemed it a local issue.

**MOTION ON CLASS B VARIANCE:**

**By Ms. Gilbert, seconded by Mr. DeMane**

**TO APPROVE THE CLASS B VARIANCE WHERE WE DON'T HAVE ENOUGH  
MINIMUM SEPARATION BETWEEN THE BUILDINGS AS A PUD WITH A MINIMAL  
SPACING OF 102' BETWEEN THE 2 BUILDINGS AS SHOWN ON THE PLAN,  
APPEAL #1961**

**ALL IN FAVOR: 4**

**OPPOSED: 0**

**MOTION PASSED**

**MOTION ON SUP:**

**By Ms. Fisher, seconded by Ms. Gilbert**

**APPEAL #1962 THAT THE ZONING BOARD ALLOW A SPECIAL USE PERMIT FOR  
A PLANNED UNIT DEVELOPMENT IN A RC-2 DISTRICT**

**ALL IN FAVOR:            4**

**OPPOSED:            0**

**MOTION PASSED**

Mr. Weiss then moved back to the table for voting purposes.

The **final** item on the agenda was Appeal #1963, Nadeem Maken at 63 Bridge Street for a Special Use Permit to Operate an automobile sales and service facility.

[Meter 3:20:35]

Ms. Ramona Maken was present for this appeal.

Mr. Nolland advised the owner needs to supply the Building Inspectors office with a letter authorizing Ms. Maken to speak on his behalf regarding this appeal. Mr. Nolland advised anything approved tonight will be contingent on getting this letter from the owner.

Mr. Nolland also explained years ago Mr. Maken came in front of the zoning board and advised he would make the place look “nicer” and add planters. He never did. They were all conditions of his SUP. Whatever the Board does tonight will be conditional on those conditions set at the last appeal.

Ms. Maken explained they have the same business in NYC already. It’s a body and auto mechanic shop. This will be a repair shop. They will also sell cars. This business has an approved dealership license. They will keep the dealership and adding the mechanic shop.

Ms. Gilbert said there was no permission given yet to sell cars on this lot. Mr. McMahon explained the former SUP expired. To be able to work on cars and sell cars she needs a SUP.

The Board reviewed the old SUP given September 19, 2005.

Mr. Nolland reiterated this is a matter of right and an allowed use with a SUP.

Ms. Gilbert reminded the applicant she has to keep the cars on her lot. They cannot overlap over to another lot. Ms. Maken advised her husband has a dealership permit already. But it wouldn’t be any more than 2 or 3 cars. The last SUP allowed 7 total cars.

Mr. McMahon reviewed the old SUP parking and site plan, including planter boxes.

Ms. Maken said there will only be 1 mechanic so there should be only 2-3 cars there at a time.

[Meter 3:29 Discussion about how many cars can be allowed on the lot, parking behind the building, old plan was for sales only, separate lots, limiting applicant to 4 vehicles for the repair part, and a total of no more than 7 parked outside in front, which could include repair vehicles, putting in planters as specified in 2005 approval].

No one from the audience commented on this appeal.



Mr. Nolland also discussed oil/water being dispersed through an oil/water separator.

Long Form SEQR:

Page 3, A. 17a was discussed but no changes made;  
Page 4, B. 23 should be 30 gallons / day, not 3 gallons/day;  
Page 5, Top, Details need to be filled in. State Agencies are DEC & DMV.

There will no car spray painting done at this shop.

**MOTION ON LONG FORM SEQR:**

**By Ms. Fisher, seconded by Mr. DeMane**

**THE BOARD FINDS NO ADVERSE ENVIRONMENTAL IMPACT**

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**

**MOTION ON SPECIAL USE ERMITP:**

**By Ms. Gilbert, seconded by Mr. Weiss**

**TO APPROVE A SPECIAL USE PERMIT FOR 65 BRIDGE STREET TO OPERATE AN AUTOMOBILE SALES AND SERVICE FACILITY, SUBJECT TO THE REQUIREMENTS THAT NO MORE THAN 7 VEHICLES BE PARKED ON THE FRONT PARKING LOT AT ANY GIVEN TIME, AND THAT THE OWNER OF THE PROPERTY INSTALL THE PLANTERS AS REQUIRED IN THE EARLIER SPECIAL USE PERMIT THAT WAS GRANTED FOR THIS PROPERTY AND THIS SPECIAL USE PERMIT LAST FOR 3 YEARS, MUST BE RENEWED AND WILL EXPIRE AT THE END OF 3 YEARS**

**DISCUSSION:**

Ms. Gilbert advised the junkyard code kicks in for unregistered / unlicensed vehicles. Mr. Nolland said that doesn't mean they are allowed to keep cars that are not running, sitting in back and not registered. Repair shop means people with registered vehicles.

**ALL IN FAVOR: 5**

**OPPOSED: 0**

**MOTION PASSED**

**MINUTES:**

**BY Mr. Weiss, seconded by Ms. Gilbert**

**TO APPROVE THE MARCH 18, 2013 ZONING BOARD MINUTES**

**ALL IN FAVOR:            5**

**OPPOSED:            0**

**MOTION PASSED**

**MOTION TO ADJOURN:**

**By Ms. Gilbert, seconded by Mr. Weiss**

**ALL IN FAVOR**

**MOTION PASSED**

Meeting adjourned at 11:00 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System. This is a true and accurate copy and transcription of the discussion.

Denise Nephew  
Secretary  
Zoning Board of Appeals